

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JAMES R. MURPHY,

Petitioner,

v.

DOUG WADDINGTON,

Respondent.

Case No. C04-5417RBL

ORDER ADOPTING REPORT  
AND RECOMMENDATION

The Court having reviewed the Report and Recommendation of the Hon. Karen L. Strombom United States Magistrate Judge, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation;
- (2) The petition is unexhausted and procedurally barred. This petition is **DISMISSED WITH PREJUDICE**.
- (3) The clerk is directed to send copies of this Order to petitioner, counsel for respondent, and to the Hon. Karen L. Strombom.

DATED this 10<sup>th</sup> day of November, 2005.

  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE